101-599

IMPROVING NAVIGATIONAL SAFETY AND REDUCING VESSEL-PIPELINE COLLISIONS

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Public Law 101-599
101st Congress

An Act

Nov. 16, 1990
[H.R. 4888]

To improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFSHORE PIPELINE INSPECTION AND BURIAL.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended by adding at the end the following new subsection:

"(h) OFFSHORE PIPELINE INSPECTION AND BURIAL.—

"(1) INITIAL INSPECTION.—

"(A) REQUIREMENT.—Not later than—

"(i) 18 months after the date of enactment of this subsection; or

"(ii) one year after the issuance of standards under subparagraph (D),

whichever occurs first, the operator of each offshore pipeline facility in the Gulf of Mexico and its inlets shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the mean high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.

"(B) EXTENSION.—The Secretary may extend the time period for compliance under subparagraph (A) with respect to a pipeline facility for an additional period of up to six months if the operator of the pipeline facility demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subparagraph (A).

"(C) PRIOR INSPECTION RECOGNITION.—Any inspection of a pipeline facility which has occurred after October 3, 1989, may be used for compliance with subparagraph (A), if the inspection conforms to the requirements of that subparagraph.

"(D) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within six months after the date of enactment of this subsection, establish standards—

"(i) for the purposes of this subsection, for what constitutes an exposed pipeline facility; and

"(ii) for the purposes of this subsection, for what constitutes a hazard to navigation.

"(2) HAZARDOUS CONDITIONS.—

Regulations.

"(A) REPORTING PROCEDURE.—The Secretary shall, by regulation, establish a program to require pipeline facility operators described in paragraph (1)(A) to report potential

or existing navigational hazards involving pipeline facilities to the Secretary through appropriate Coast Guard offices.

"(B) MARKING OF HAZARDOUS PIPELINE FACILITIES.—The operator of a pipeline facility described in paragraph (1)(A) who discovers any portion of the pipeline facility which is a hazard to navigation shall mark the location of the hazardous portion with a Coast Guard approved marine buoy or marker and shall immediately notify the Secretary as provided by the Secretary pursuant to subparagraph (A) of this paragraph. Any marine buoy or marker used pursuant to this subparagraph shall be considered a pipeline sign or right-of-way marker for purposes of section 11(c)(3).

"(3) PERMANENT INSPECTION REQUIREMENT.—Not later than 30 months after the date of enactment of this subsection, on the basis of experience with the initial inspection program under paragraph (1) and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and where appropriate, periodic inspection program of offshore pipeline facilities in the Gulf of Mexico and its inlets.

"(4) BURIAL REQUIREMENT.—The Secretary shall, by regulation, require that each offshore pipeline facility— Regulations.

"(A) that is subject to inspection under paragraph (1) and is exposed or constitutes a hazard to navigation; or

"(B) that constitutes a hazard to navigation,

is buried within six months after the date that the condition of the pipeline facility is reported to the Secretary. The Secretary may extend the time period for compliance under this paragraph with respect to a pipeline facility for such period as is reasonable to ensure compliance with this paragraph."

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is amended by adding at the end the following new subsection:

"(l) OFFSHORE PIPELINE INSPECTION AND BURIAL.—

"(1) INITIAL INSPECTION.—

"(A) REQUIREMENT.—Not later than—

"(i) 18 months after the date of enactment of this subsection; or

"(ii) one year after the issuance of standards under subparagraph (D),

whichever occurs first, the operator of each offshore pipeline facility in the Gulf of Mexico and its inlets, other than gathering lines of 4 inch nominal diameter and smaller, shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the mean high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.

"(B) EXTENSION.—The Secretary may extend the time period for compliance under subparagraph (A) with respect to a pipeline facility for an additional period of up to one year if the operator of the pipeline facility demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subparagraph (A).

"(C) PRIOR INSPECTION RECOGNITION.—Any inspection of a pipeline facility which has occurred after October 3, 1989,

may be used for compliance with subparagraph (A), if the inspection conforms to the requirements of that subparagraph.

"(D) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within six months after the date of enactment of this subsection, establish standards—

"(i) for the purposes of this subsection, for what constitutes an exposed pipeline facility; and

"(ii) for the purposes of this subsection, for what constitutes a hazard to navigation.

"(2) HAZARDOUS CONDITIONS.—

Regulations

"(A) REPORTING PROCEDURE.—The Secretary shall, by regulation, establish a program to require pipeline facility operators described in paragraph (1)(A) to report potential or existing navigational hazards involving pipeline facilities to the Secretary through appropriate Coast Guard offices.

"(B) MARKING OF HAZARDOUS PIPELINE FACILITIES.—The operator of a pipeline facility described in paragraph (1)(A) who discovers any portion of the pipeline facility which is a hazard to navigation shall mark the location of the hazardous portion with a Coast Guard approved marine buoy or marker and shall immediately notify the Secretary as provided by the Secretary pursuant to subparagraph (A) of this paragraph. Any marine buoy or marker used pursuant to this subparagraph shall be considered a pipeline sign or right-of-way marker for purposes of section 208(c)(3).

"(3) PERMANENT INSPECTION REQUIREMENT.—Not later than 30 months after the date of enactment of this subsection, on the basis of experience with the initial inspection program under paragraph (1) and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and where appropriate, periodic inspection program of offshore pipeline facilities in the Gulf of Mexico and its inlets.

Regulations

"(4) BURIAL REQUIREMENT.—The Secretary shall, by regulation, require that each offshore pipeline facility—

"(A) that is subject to inspection under paragraph (1) and is exposed or constitutes a hazard to navigation; or

"(B) that constitutes a hazard to navigation,

is buried within six months after the date that the condition of the pipeline facility is reported to the Secretary. The Secretary may extend the time period for compliance under this paragraph with respect to a pipeline facility for such period as is reasonable to ensure compliance with this paragraph.".

33 USC 1232a

SEC. 2. NAVIGATIONAL HAZARDS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following new section:

"SEC. 14. NAVIGATIONAL HAZARDS.

"(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

"(b) SECRETARY'S RESPONSE.—(1) Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Office of Pipeline Safety, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

"(2) Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Office of Pipeline Safety, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

"(c) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within six months after the date of enactment of this section, establish standards, for the purposes of this section, for what constitutes a hazard to navigation.

"(d) DEFINITION.—For purposes of this section, the term 'pipelines' has the meaning given the term 'pipeline facilities' in the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979."

SEC. 3. STUDY.

(a) STUDY REQUIREMENT.—The Secretary of Transportation shall—

(1) consult with appropriate Federal and State agencies, pipeline owners and operators, the fishing and maritime industries, and other affected groups, with respect to underwater pipeline burial;

(2) study feasible methods of determining how deeply underwater pipelines are buried;

(3) research existing marine safety and vessel operational practices relating to underwater pipeline rights-of-way, particularly in shallow offshore waters, and related marine safety and navigational technology; and

(4) consider the availability and quality of navigational charts showing the location of pipelines in the marine environment.

Reports.

Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the results of actions taken under this section.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "marine environment" has the meaning given such term in section 3(1) of the Ports and Waterways Safety Act (33 U.S.C. 1222(1)); and

(2) the term "pipelines" has the meaning given the term "pipeline facilities" in the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

Approved November 16, 1990.

LEGISLATIVE HISTORY—H.R. 4888:

HOUSE REPORTS: No. 101-814, Pt. 1 (Comm. on Public Works and Transportation), Pt. 2 (Comm. on Energy and Commerce), and Pt. 3 (Comm. on Merchant Marine and Fisheries).

CONGRESSIONAL RECORD, Vol. 136 (1990):

Oct. 15, considered and passed House.

Oct. 27, considered and passed Senate.

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